

FORM 26. Docketing Statement

UNITED STATES COURT OF APPEALS FOR THE FEDERAL CIRCUIT

No. 16-1609

R.K., L.K., parents of, A.K., A MINOR,

+

v.

Secretary of Health and Human Services

DOCKETING STATEMENT

This Docketing Statement must be completed by all counsel and filed with the court within 14 days of the date of docketing. When the United States or its officer or agency is a party, this Docketing Statement must be completed by all counsel and filed with the court within 30 days of docketing. All questions must be answered or the statement will be rejected.

Name of the party you represent R.K., L.K., pa rents of, A.K., A MI NOR,

+

Party is (select one)

☒ Appellant/Petitioner☐ Cross-Appellant☐ Appellee/Respondent☐ Intervenor

Tribunal appealed from and Case No. Court of Federal Claims

+

Date of Judgment/Order December 18, 2015 Type of Case Vaccine injury

Relief sought on appeal Reversal of the decision of Judge Braden

Relief awarded below (if damages, specify)

Briefly describe the judgment/order appealed from

Judgment was entered based upon Judge Braden's Decision of Dec. 18, 2015 sustaining the decision of the Special Master of September 28, 2015 denying compensation.

Nature of judgment (select one)

☒ Final Judgment, 28 USC 1295☐ Rule 54(b)☐ Interlocutory Order (specify type)☐ Other (explain; see Fed. Cir. R. 28(a)(5))

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Name and docket number of any related cases pending before this court plus the name of the writing judge if an opinion was issued _____

None

Brief statement of the issues to be raised on appeal _____

Whether the amendment to the Vaccine Injury Compensation Program limiting review to the arbitrary and capricious standard is Constitutional and did the Court below properly sustain a decision against the weight of the evidence.

Have there been discussions with other parties relating to settlement of this case? ☐ Yes ☒ No

If "yes," when were the last such discussions?

☐ Before the case was filed below?

☐ During the pendency of the case below?

☐ Following the judgment/order appealed from?

If "yes," were the settlement discussions mediated?

☐ Yes ☒ No

If they were mediated, by whom? _____

Do you believe that this case may be amenable to mediation?

☐ Yes ☒ No

If you answered no, explain why not the petitioner does not believe mediation would be useful.

Provide any other information relevant to the inclusion of this case in the court's mediation program.

Not applicable

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I certify that I filed an original and one copy of this Docketing Statement with the Clerk of the United States Court of Appeals for the Federal Circuit and served a copy on counsel of record, this

18th day of March, 2016 ,

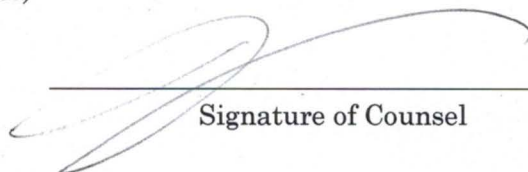
by: CM/ (electronic filint)ECF

(manner of service)

John F. McHugh

Name of Counsel

Signature of Counsel



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